THE

COURT

OF

STAR CHAMBER,

OR

SEAT OF OPPRESSION.

Remember, O my friends, the laws, the rights,
The gen'rous plan of power, delivered down
From age to age by our renown'd forefathers:
O let it never periſh in your hands,
But piouſly tranſmit it to your children.

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THE COURT OF

STAR CHAMBER.

OF all the bleſſings that this kingdom enjoys, liberty is the principal, and it is ſo ſecured by laws and ſtatutes, that no arbitrary attempts can ever deprive the people of it, unleſs they ſupinely ſubmit to deliver it up into the hands of tyranny, and paſſively exchange it for

ſlavery. There are two ſorts of prerogative, a royal and miniſterial, the former ought ever to be held inviolable, the latter is a ſpurious branch always ready to countenance and ſupport the evil machinations of deſpotic and ſelfiſh miniſters: it is a Pretender that at ſundry periods hath contended for the ſole dominion of this realm: it is an Uſurper that wicked miniſters have made uſe of to feed the natural ambition of their princes; and who, under ſuch protection, have rioted in oppreſſions and cruelties, but, after a ſhort ſeries, providence hath eclipſed them in the zenith of their tyrannical glory; and

that

that over-bearing rule which they eſteemed as their bulwark, hath terminated in their deſtruction. Liberty is ſo tenacious of her rights, that ſhe will never ſuffer the ambition of princes, in this limited government, to ſubvert it into an abſolute monarchy, by extending their prerogative beyond its bounds. In the time of king Henry VII. when the law of will was to be the law abſolute, and to which it was expected that the ſubjects ſhould pay paſſive obedience, but who being extremely unwilling to ſubmit to that gawling yoke, in order to compel them to a ſubmiſſion; thereto a

court was erected, called the Court of Star Chamber, compoſed of the Lord Treaſurer, Lord Privy-Seal, and Lords of the King's Council, and the two Chief Juſtices as their aſſiſtants; which court had an extra authority, beyond other of the king's courts, to impriſon and puniſh ſuch perſon or perſons as the judges thereof ſhould, in their opinions or inclinations, eſteem and look upon as guilty of miſdemeanors or other breaches of the peace, or infringements upon (what they termed) royal prerogative, and to inflict ſuch puniſhments upon ſuch like offenders, diſcretionally, and in ſuch manner

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as to them ſhould ſeem meet; and that the ſentences which they ſhould pronounce, ſhould operate in the ſame manner againſt ſuch offenders, as if they had been convicted by a jury. This court took its name from the room it was held in, the ceiling of which being decorated with gilded ſtars, and which ornaments, I believe, ſtill remain to put us in mind, and as a monument of its infamy. This court of inquiſition intimidated the ſubject from complaining of the oppreſſions of government, in hopes of relief, either by verbal remonſtrances, the pen or the preſs; and if any thing was heard or ſeen offenſive

ſive to the miniſtry, the delinquent was dragged to the bar, and the inquiſitors inflicted ſuch puniſhment upon him, as their vengeance prompted them to. If a miniſter did but look ſour, theſe fools and ſycophants in office ſatiated their vengeance. The lamentations of the people were unnoticed. Tyranny and oppreſſion forded it thro' the ſtreets, and the law of the land lay bleeding in her wounds. This court exiſted thro' ſeveral reigns and much eſteemed by a ſet of miniſters in our good Queen Beſs's days, when the liberty of the preſs was groſly attacked; and whoever ſpoke or wrote what might be conſtrued

ſtrued into diſaffection, either towards her or the miniſtry, was deemed guilty of felony. But, at length, an uninterrupted ſeries of ſeverities, inſtead of inuring the people to miſery, and making it familiar to them, taking a different effect upon the Engliſh conſtitution, made it deſperate. The law of the land raiſed her wounded head, and never reſted 'till the ſtatute for erecting this iniquitous ſeat of injuſtice was repealed, and the court diſſolved; which was done about the 17th year of the reign of King Charles I. and the ſubjects reſtored to their liberties and privileges.

By

By diſſolving this court, it was reaſonable to imagine that the aboliſhing the forms and methods of the proceedings was thereby meant; but, it ſeems, the diſſolution was only diſmantling the judges and pulling down the ſeats and benches; having heard it mentioned that the methods of proceeding by information and attachment, were practices meerly peculiar to that Court of Judicature, and which forms of proceedings were the principal cauſes that induced the then parliament to repeal the ſtatute that erected it; in regard thoſe modes of proſecution appeared moſt oppreſſive to the ſubject, and repugnant

to

to the laws of this realm, becauſe it ſtripped the delinquent of his conſtitutional defence, which is to be determined by the judgment of his peers, and left him open to the capricious and tyrannical will and humour of arbitrary judges, who ought to judge not according to their own will and diſcretion, but agreeable to the fundamental laws of the land. If proceeding by attachment of contempt was a proceſs uſed by this Court of Star Chamber, let us for a moment form an idea of the ſituation of a man ſuffering under that proceſs. Firſt he was taken into the cuſtody of the ſheriff, and held until he ſub-

mitted to be examined upon interrogatories, and by virtue of ſuch ſubmiſſion he was admitted to bail, if he could be ſo fortunate as to be known to any that would grant him that friendly and hazardous office; I call it *hazardous*, becauſe, under ſome peculiar miniſterial circumſtances, that court ſometimes tacitly eſteemed the manucaptors as aiders and abettors, and looked upon them with an eye of jealous reſentment. If the ſuppoſed offender refuſed to ſubmit to be examined upon interrogatories, he was unbailable, and conſequently became a priſoner for life, without being convicted of any crime,

if

if it was the pleaſure of the court that he ſhould ſo remain; but if neceſſity, and the cries of a ſtarving family, urged him to a ſubmiſſion, he was then admitted to bail, and ſuch interrogatories were adminiſter'd to him upon oath, as the offended party and court ſhould direct; by which he not only expoſed his connections, but made ſuch diſcoveries as the court wanted, and thereby became ſelf-convicted, and was accordingly puniſhed upon his own compulſive evidence, in ſuch manner as that court ſhould think fit, in direct *oppoſition to the eſtabliſhed laws of this realm.* Though this court was

erected by ſtatute, yet I ſay in oppoſition to the eſtabliſhed laws, becauſe it was conſtituted ſolely for miniſterial and time-ſerving purpoſes. Here a man was his own convictor, an evidence againſt himſelf, not only diametrically oppoſite to our conſtitutional rights, but repugnant to nature; ſelf-defence being the primary law thereof.

This leads me on to make one or two curſory obſervations on Magna Charta, the chryſtal fountain from whence our laws and liberties flow, from whence we derive our freedom, and which, if religiouſly obeyed, muſt

muſt render us a brave, juſt, and happy people. This great charter of England is our Alcoran; it is the grand title deed, by which we hold our properties, our liberties, and our lives; therefore treat it with becoming ſanctity, neither ſuffer it to be violated with innovations from the Court of Star Chamber, nor abuſe it by ſtretching thoſe liberties it has beſtowed upon us into licentiouſneſs. If we look upon the preamble we may plainly ſee, that a ſincere duty to the Almighty, and an earneſt deſire of making this nation free, good, great, and happy, was the motive that inſpired the makers thereof to con-

confirm us in our rights and liberties which neither difference of times or charges of government was ever to wreſt from us; but that it was intended we ſhould enjoy them till time ſhould be no more. Thus then runs the preamble after the king's addreſs, "Know you, That we to the honour "of Almighty God, and for the ſal-"vation of the ſouls of our progeni-"tors and ſucceſſors kings of Eng-"land, to the advancement of the "holy church and amendment of the "realm of our free will, have given "and granted to all Archbiſhops, "Biſhops, Abbots, Priors, Earls, "Barons, and *to all Freemen of this*

"*our*

" *our Realm*, theſe liberties follow-
" ing, to be kept in our kingdom
" of England *for ever*."---Amongſt other directions in this ſacred table of laws, it is particularly mentioned, " That no Freeman ſhall be taken or " impriſoned, or diſſeized of his free-" hold or liberties, or free cuſtoms, " or be outlawed or exiled, or any " otherwiſe deſtroyed; nor we will " not paſs upon him, nor condemn " him, but by lawful judgment of " his peers, or by the law of the land. " We will ſell no man, we will not " deny or defer to any man either " juſtice or right."---Here it appears *(inter alia)* That no *Freeman is to be*

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impriſoned or condemned, but by the lawful judgment of his Peers, or the laws of the land; by which is meant men of a degree and condition in life equal with himſelf, and alſo men that are unbiaſſed and of probity and honeſty. The latter part of this law convinces us alſo of our freedom, that we are not to be traffic'd for, and that juſtice ſhall be done, without being ſubject to *unneceſſary, artful, or oppreſſive delays.* Upon this exalted pyramid is erected England's glory, our right of freedom, the envy and admiration of other nations.

Read this, ye Britons, then judge whether this commandment is in any degree

degree ever broken or violated? Now let us make ſome brief remarks on the duty of Judges. When Princes are miſled, either by prejudices, heat, or evil advices (as Princes are but men, and conſequently ſubject to human frailties), it is the duty of a Judge (whom we eſteem as wiſe, temperate, impartial, and learned) to give him good and wholſome counſel, and to do his utmoſt towards putting his royal maſter in the right way. He is not to adviſe any man, where the King is party, or to maintain plea; for, by ſo doing, he becomes both Advocate and Judge; which would not only be moſt unjuſt,

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but a diminution of his dignity. He is to adminiſter juſtice and right indifferently to all men, which is not to be diſturbed or delayed, though even commanded by his Prince. No courtier's ſmiles or frowns, or any earthly inducements, muſt ever influence him, in the leaſt degree, to deviate from the principles of rectitude: in a word, it is expected that he ſhould be, *Integer vitæ, ſceleriſque purus.*

Judges, or Miniſters of the State, ought to be extremely cautious, leſt they take any wayward or oppreſſive ſteps towards their fellow ſubjects; for,

for, by ſo doing, they diminiſh the people's affections for their ſovereign, which conſequently muſt create a check to the tranquility both of the ſubject and royal parent. A Prince muſt naturally feel a felicity in being beloved by his people, and ſuch love muſt alſo naturally produce a mutual affection. It is as extreme a diminution of a Prince's glory, in being ſlighted, as it is an increaſe of it in being ſincerely revered and adored. A Miniſter, who truly loves his Prince, will make it his ſtudy to pleaſe and gratify the people, the intereſt of the ſubject and ſovereign being reciprocal, their happineſs co-eval, and one can-

not flouriſh without the other. In a land like this, where a Prince is bound by his oath to conform to the eſtabliſhed laws, and to govern his kingdom agreeable to the ſtatutes in parliament agreed on, and the laws and cuſtoms of the ſame. The moment a miniſter, or thoſe in authority, attempt to treſpaſs upon the ſubject's rights and privileges, they become guilty of a violation of thoſe laws, and a groſs injury to their royal maſter, becauſe, by ſuch attempts, they are alienating the people's affections, which is ſapping the royal power, and eclipſing his dignity and honour. I ſhall now proceed to make ſome obſervations

ſervations on the freedom of the preſs, which is a moſt peculiar mark of liberty rivitted into this kingdom.

The freedom of the preſs was moſt obnoxious to the miniſtry in the time of the Court of Star Chamber, and has alſo been ſo at ſeveral periods ſince. Wicked guardians and evil counſellors cannot bear to be told of their offences, becauſe it produces a reflection, and makes the ſoul tremble at what the corporal part executes. It opens the eyes and ears of the people, and makes them underſtand how their grievances operate, and from whence they flow, which otherwiſe they

they would only feel and remain ignorant of the ſource of their misfortunes. The freedom of the preſs enables the ſubject to lay his ſufferings before his King, from which his Prince may trace out the cauſe of the evil and evil doers. Miniſters, who have been conſcious of their ill conduct, have frequently made ſham fights againſt publiſhers and venders of what they have ſtiled libels, defamatory and ſeditious pamphlets, and have even infringed upon the laws of freedom, by puniſhing ſuch people with Star Chamber perſecutions; but ſuch proceedings, though ſevere upon the patients, have been no more

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than political ſtrokes to intimidate the preſs from working, leſt the proprietors thereof ſhould fall under the ſcourge of miniſterial vengeance; and if that policy had operated, it would ſubſtantially, though not literally, have ſilenced the preſs, which in fact would have fully anſwered their purpoſes. Good miniſters need not fear any type; Britons will never find fault or complain, unleſs ill treated; they will endure their ſufferings long before they ſo much as ſhew uneaſineſs. Miniſters that want well, muſt do well. In this land of legal liberty, the ſubjects dare and will complain both of the oppreſſion and oppreſſor,

but

but they proclaim their injuries only in expectation of redreſs; and, when that happens, they become ſilent, except in the grateful tribute of thanks. Britons are unacquainted with ſlavery, and all attempts of reducing them to it have ever proved abortive. Oppreſſions and innovations upon the people's rights and privileges, retort an odium upon the miniſtry, or on thoſe in authority who are the abettors of them; and experience convinces us of the falſe policy of ſuch attempts. When a Miniſter acts in conjunction with the true intereſt of the nation, he will ever be gratefully reſpected; and, whatever he requires

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towards his own emolument will never be murmured at, but, on the contrary, chearfully acquieſſed in. Bills, informations, or attachments of contempt for inſults of government is then unheard of. The preſs pours forth inceſſant panegerics on miniſterial virtue, the ſovereign ſmiles upon his people with delight, and the people ſing Io's at his approach; he feels not the anguiſh of the thorny pillow, but reſts his head upon a pillow of down; no anxieties diſturb his dove-like repoſe, and when the king of kings thinks meet to demand him hence, though his people bewail his departure, they rejoice at his being

advanced from a temporary to an everlaſting happineſs. Happy would it be for this land, if perſecutions would but ceaſe, that the muddy and diſturbed ſtream might ſettle into its wonted purity. I was in hopes there was an end of hateing, but I have been informed a motion was made before the Court of Common-Pleas (with an intent it is preſumed to ſave the Court of King's Bench an increaſe of trouble), for an attachment againſt a printer or publiſher of a daily news-paper, for publiſhing an addreſs of June 15th, 1768, of an elected knight, in the King's Bench priſon, to his conſtituents, which the learned

council

council ſeemed to intimate, tended to evil conſequences; but the time-ſerving motion was rejected, in a manner becoming the dignity of that upright and diſintereſted court of judicature, who always hold Magna-Charta as a mirrour before them. That court is ſuperior to all for the tryals of right and property at common law, and is moſt renowned for upright and unbiaſſed judgments, and will ſtand forth as ſuch in the annals of England, to the lateſt poſterity. The integrity and uprightneſs of that ſeat of judgment, ſeems epidemical; for notwithſtanding changes

and removals, the ſucceeding judges catch the virtuous fire.

One ſhort word farther. It was an obſervation of Lord Treaſurer Burleigh, "That England could never be ruined, unleſs it was by her parliaments. The Houſe of Commons is the court of grand inqueſt of this realm, and the members thereof are the truſtees of the people, in whom they put their confidence as honeſt and uncorrupted repreſentatives. When the people ſtand in aid of the legiſlature, they apply to their repreſentatives to aſſiſt them therein, and where they ſee their conſtituents oppreſſed, la-

labouring under illegal difficulties and arbitrary proſecutions and perſecutions, it is the duty of this auguſt aſſembly to examine into the ſtate of their grievances, with fortitude and fidelity, and to alleviate them of their burthens, at ſuch time as to them ſhall ſeem moſt expedient. When any unconſtitutional proceſs iſſues from an inferior court, the ſubject muſt ſubmit to its ſeverity, till ſuch time as this honourable houſe ſhall quaſh it, and relieve the oppreſſed, it being ſolely in the power of this legiſlative body ſo to do. The power of parliament is great and extenſive, and the members thereof can impeach

impeach and puniſh any delinquent, though of the higheſt rank and dignity in office, that ſhall be found guilty of any illegal or unconſttiutional practices againſt the king or country. But if it ſhould ever happen, that our Houſe of Commons ſhould fall in with the factions of a vicious and deſpotic miniſtry; and that they ſhould wink at their oppreſſions by a revival of the Court of Star Chamber proſecutions, or at a wanton or abuſive uſe of the riot act, ſometimes eſteemed a neceſſary infringement upon Engliſh freedom, or as groſs attacks upon the liberty of the preſs, in order to intimidate men of penetration

tration and knowledge, from opening the eyes of the public, or at any other unconſtitutional meaſures; then this nation will find thoſe liberties, the boaſted glory and inheritance of Britons, enveloped in obſcurity, and ſubverted into ſlavery. But at preſent England is under no ſuch dreadful apprehenſions; yet, although we exiſt in a golden age, let it be the prayer of every freeman of this realm, that their poſterity may be able to preſerve their great charter of Engliſh liberty inviolable and unpolluted. Then liberty will reſt uncontrouled, and as eaſy in the humble cottage as the ſuperb palace; then king and people

people will go hand in hand, and eat the bread of contentment, and nought will be heard but univerſal harmony, and God ſave the King.

FINIS.